

From: Aroughthopher
To: Microsoft ATR
Date: 1/12/02 8:46pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am a developer and user of the BeOS operating system, produced by Be, Incorporated. BeOS is a product that is used world wide. Recently Be, Inc. was forced to sell its intellectual properties to Palm, Inc., due to problems getting themselves situated in the market place. One of the main reasons for this can be summed up in one word, Microsoft.

I am part of a group of people trying to get BeOS back into the marketplace, but in order for us to this, Microsoft cannot be allowed to get away with what the actions they have taken in the past, and continue to take. The proposed settlement is a start, but some work is needed. The following is a list of items that I feel would help in our cause, and they the US DOJ, could help us accomplish.

1. Microsoft Office needs to use open file formats, so that alternate operating systems can interact with it properly. We don't need the source code, just the file format. The format chosen should be standardized by a recognized standards body, and maintained by them. This way, future compatibility can be maintained.
2. The Win32 API needs to be made publicly available and fully documented. This is needed so that products, like BeWine or WinBe can be used to run MS Windows applications under the BeOS.
3. The file systems used by Windows, needs to be opened, so that operating systems that exist on the same machine as MS Windows, will be able to access the files that exist under the Windows directories. Microsoft should also be forced to interoperate with foreign file systems as well.
4. The ruling must include a "must-carry" rule, so that any OEM Microsoft is supplying Windows with, must have a alternate operating system installed, if Windows is installed on that system. This is the only way alternate operating systems will ever be given a chance by average users.

The last point I made is the most important. This is the only way the Microsoft can truly undo the damage they have done to the BeOS. Because Microsoft had made exclusive contracts with almost all of the major OEMs in the industry, not many people ever even heard of BeOS. Be, Inc. is/was a small company, and did not have the marketing budget the Microsoft has. And since they were unable to make deals with the OEMs, they could not get their product to market, except on the shelves

of retail stores, over the internet, and by word of mouth.

The current proposed settlement is too weak, for the damage that Microsoft has done to the industry. I don't think Microsoft should be put out of business, but they should be punished. I currently use some Microsoft products, and therefor do not consider myself anti-Microsoft. I do, however, believe in capitalism, and what Microsoft did was inexcusable.

Thank you for your time,

Paul Ashford